

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

BARBARA EVERETTE,

Plaintiff,

v.

RACETRAC PETROLEUM, INC.,

Defendant.

CIVIL ACTION NO.

1:05-CV-2894-BBM

**MAGISTRATE JUDGE'S SCHEDULING ORDER**

Upon review of the information contained in the joint Preliminary Report and Discovery Schedule form completed and filed by the parties, the Magistrate Judge **ORDERS** that the time limits for adding parties, amending the pleadings, filing motions, completing discovery (the discovery deadline in this case is **May 1, 2006**), and discussing settlement are as stated in the above completed form, and this case having been initiated by complaint filed on **November 10, 2005**, will be set for trial after all dispositive motions have been ruled on.<sup>1</sup>

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<sup>1</sup>The Magistrate Judge's Guidelines for Discovery and Motion Practice is hereby incorporated by reference.

Requirements for Summary Judgment Motion/Proposed Consolidated Pretrial Order:

1. Any motions for summary judgment must be filed by **May 22, 2006**, and if no motions for summary judgment are filed, the Proposed Consolidated Pretrial Order will be due on **June 1, 2006**.

2. Whenever a motion for summary judgment is filed, the non-moving party shall file a response to the moving party's "Statement of Undisputed Material Facts." In the response, the non-moving party shall respond to each numbered fact by number, admitting or denying the fact, and providing citations to the record to support any denial. The Court will deem as admitted those facts in the moving party's statement that the non-moving party does not controvert with citations to the record in its response to that statement. L.R. 56.1(B)(2) N.D. Ga.

3. All depositions that are referred to by either party in support of, or in opposition to, a motion for summary judgment shall be filed with the court. The parties shall attach to their memoranda of law in support of, or in opposition to, a motion for summary judgment, copies of all deposition pages referred to in the memoranda.

4. Absent **prior** written permission by the court, no party may file a brief in support of a motion or a response to a motion exceeding (25) double-spaced pages in

length, and no party may file a reply brief exceeding (15) double-spaced pages. A motion requesting an increase in the page length for a brief must be filed, and a copy delivered to chambers, prior to the due date for the brief. The text of a brief, including footnotes, may not be printed in a format producing more than 10 characters per inch.

L.R. 7.1(D) N.D. Ga.

5. If a motion for summary judgment is filed, the Consolidated Pretrial Order will be due thirty days after the District Court's final ruling on the motion for summary judgment, if there are matters left to be tried.

IT IS ORDERED that the parties are directed to adhere to the above deadlines. Any motions requesting extensions of time must be made prior to the existing deadline and will be granted only in exceptional cases where the circumstances on which the request is based did not exist or the attorney(s) could not have anticipated that such circumstances would arise at the time the Preliminary Report was filed. Failure to comply with this order, may result in the imposition of sanctions, including the dismissal of this action.

The Clerk is directed to submit this action by **June 6, 2006**, if the parties have not filed a Motion for Summary Judgment or Proposed Consolidated Pretrial Order.

**IT IS SO ORDERED**, this 4<sup>th</sup> day of January, 2006.

  
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JANET F. KING  
UNITED STATES MAGISTRATE JUDGE